

**CHAPTER NO. 310**

**SENATE BILL NO. 792**

**By Curtis S. Person, Jr.**

**Substituted for: House Bill No. 491**

**By Buck**

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 16 and Title 18, Chapter 6, relative to county and probate courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 16, Part 1, is amended by deleting it in its entirety.

SECTION 2. Tennessee Code Annotated, Section 18-6-106, is amended by redesignating the existing language as subsection (b) and by adding the following language as a new subsection (a):

(a)(1) No later than July 1, 2006, notwithstanding any law or public, private, special or local act to the contrary, no county clerk shall serve as clerk of a court with probate jurisdiction. No later than July 1, 2006, in any county in which the county clerk is performing this function, the duties as to administration of estates and guardian appointments shall be vested in either the clerk of the court with probate jurisdiction or the clerk and master. No later than July 1, 2006, in any county in which the county clerk is the only clerk of the court with probate jurisdiction, these duties shall be transferred to the clerk and master.

(a)(2) The provisions of this subsection shall not apply in any county having a population of not less than seventy-one thousand one hundred (71,100) nor more than seventy-one thousand two hundred (71,200) according to the 2000 federal census or any subsequent federal census. In any such county, the county clerk shall continue to serve as clerk of the court with probate jurisdiction and such clerk shall continue to exercise the same powers and duties as it exercised on June 30, 2003.

SECTION 3. Tennessee Code Annotated, Section 18-6-107, is amended by deleting it in its entirety.

SECTION 4. Tennessee Code Annotated, Section 18-6-108, is amended by deleting it in its entirety.

SECTION 5. Tennessee Code Annotated, Section 18-6-110, is amended by deleting it in its entirety.

SECTION 6. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than:  
62,300  
182,000

nor more than:  
62,400  
182,100

SECTION 7. The provisions of this act shall not apply in any county having a population of not less than twenty-seven thousand, one hundred (27,100) nor more than twenty-seven thousand, two hundred (27,200) according to the 2000 federal census or any subsequent federal census.

SECTION 8. The provisions of this act shall not apply in any county having a population of not less than thirty-nine thousand fifty (39,050) nor more than thirty-nine thousand one hundred fifty (39,150) according to the 2000 federal census or any subsequent federal census.

SECTION 9. The provisions of this act shall not apply in any county having a population of not less than twelve thousand eight hundred (12,800) nor more than twelve thousand nine hundred (12,900) according to the 2000 federal census or any subsequent federal census. In any such county, the clerk who is serving as clerk of the court with probate jurisdiction on June 30, 2003, shall continue to serve as the clerk of the court with probate jurisdiction after the effective date of this act.


SECTION 10. The provisions of this act shall not apply in any county having a population of not less than forty-three thousand one hundred (43,100) nor more than forty-three thousand two hundred (43,200) according to the 2000 federal census or any subsequent federal census.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. Sections 1, 2 and 6 of this act shall take effect July 1, 2003, the public welfare requiring it. Sections 3, 4, and 5 of this act shall take effect July 1, 2006, the public welfare requiring it.

**PASSED: May 27, 2003**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 11<sup>th</sup> day of June 2003**

  
PHIL BREDEZEN, GOVERNOR